

THIRTEENTH DAY

(Tuesday, February 4, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten Spears

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with, and the Journal was approved.

Leaves of Absence Granted

Senator Cotten was granted leave of absence for today on account of illness on motion of Senator Hill.

Senator Spears was granted leave of absence for today on account of important business on motion of Senator Moore.

Reports of Standing Committees

Senator Kelley submitted the following reports:

Senate Chamber,
Austin, Texas,
February 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 4, A bill to be entitled "An Act amending Article 2654 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 237, Acts of the Regular Session of the Fortieth Legislature, as amended by Chapter 52, Acts of the Second Called

Session of the Forty-first Legislature, as amended by Chapter 196, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 221, Acts of the Regular Session of the Forty-third Legislature, and as amended by Chapter 6 of the Acts of the First Called Session of the Forty-third Legislature, by adding thereto a new Article to be known as Article 2654e, providing that the governing boards of the several institutions of collegiate rank, supported in whole or in part by public funds appropriated from the State Treasury, are authorized and directed to exempt five students annually from each of the other nations of the American continents from the payment of tuition fees; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Senate Chamber,
Austin, Texas,
February 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 42, A bill to be entitled "An Act amending Article 2698 Revised Civil Statutes, providing for the State Superintendent, on recommendation of the Director of School Census, to request the State Board of Education because of public calamity to authorize an increase to cover teacher costs; defining public calamity; limiting amount of scholastic increase to added teachers cost; etc.; and declaring an emergency."

Have had the same under consideration and do hereby recommend that the same do not pass, but that the committee substitute hereto attached do pass in lieu of the original bill, and be printed.

KELLEY, Chairman.

Senate Chamber,
Austin, Texas,
February 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 99, A bill to be entitled "An Act amending Chapter 286, Acts

of the Forty-first Legislature, Regular Session, 1929, by adding a new Section thereto to be designated as Section 2a; and providing for minimum salary for a secretary-treasurer to be chosen from among the board members of the Texas College of Arts and Industries; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Senator Ramsey submitted the following report:

Austin, Texas,
February 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on County and County Boundaries, to whom was referred

S. B. No. 101, A bill to be entitled "An Act amending H. B. No. 438, Regular Session, Forty-sixth Legislature, with reference to the employment of a stenographer or clerk by the county judge of certain counties so as to make the Act applicable in counties having a population of not more than seven thousand, eight hundred (7,800) and not less than seven thousand, seven hundred (7,700), and in counties of not more than thirteen thousand, two hundred ninety-nine (13,299) and not less than thirteen thousand, one hundred ninety-nine (13,199) inhabitants, according to the last preceding Federal Census; fixing salary of same; providing for payment of salary; providing for removal; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Hill:

S. B. No. 104, A bill to be entitled "An Act authorizing the appointment by the District Attorney or Criminal District Attorney of assistants and a stenographer in judicial districts com-

posed of and confined to one county only and in which judicial district and county the population as determined by the last preceding Federal Census is not less than fifty thousand, five hundred (50,500) and not more than fifty-five thousand (55,000) inhabitants and in which said judicial district and county the tax value exceeds Seventy Million (\$70,000,000) Dollars according to the last approved tax roll, fixing the compensation of said assistants and the stenographer and providing for the manner in which same shall be paid; and declaring an emergency."

To Committee on Judicial Districts.

By Senator Moore:

S. B. No. 105, A bill to be entitled "An Act authorizing navigation districts heretofore or hereafter organized, containing municipalities of one hundred thousand (100,000) population or more, to lease any of their lands or facilities to the United States Government or to any agency thereof, or to any person, firm, or corporation whose activities are connected with, or contribute to, the construction, maintenance, operation, and development of the port and its facilities and of its waterways, or whose activities are connected with commerce and navigation, for any purpose expressly authorized by the statutes creating and empowering such districts, and, in addition thereto, for the manufacture or repair of vessels, or parts thereof, or for constructing and operating buildings, shipways, drydocks, piers, railways, office buildings, shops, or other facilities and structures thereon, for the use or benefit of the United States Government, or of such person, firm, or corporation, and for similar purposes connected with the development and operation of ports; that the terms and conditions of such lease may be agreed upon between the Navigation Commissioners and the lessees; that such lease shall be executed by the chairman or vice-chairman of such navigation district and attested by its secretary or assistant-secretary; and where such a lease is for ten years or less and is with the United States Government or any agency thereof, or with any person, firm or corporation contracting with the United States Government, or any agency thereof, or with any person, firm, or corporation whose activities are connected with, or contribute to, the construc-

tion, maintenance, operation, and development of the port and its facilities and of its waterways, or whose activities are connected with commerce and navigation, advertising of the said lease shall not be required; providing that unconstitutionality of any part of the law shall not invalidate the remainder; providing that all laws or parts of laws in conflict herewith are repealed; and that this Act is not a limitation upon, but is a grant of additional powers to such navigation districts; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Spears:

S. B. No. 106, A bill to be entitled "An Act making an appropriation for the use of the San Antonio River Canal and Conservancy District, providing that it shall be repaid to the State of Texas; and declaring an emergency."

To Committee on Finance.

By Senator Brownlee:

S. B. No. 107, A bill to be entitled "An Act to amend H. B. No. 144 of the Forty-fifth Legislature by striking out Section 4 of said Act and substitute in lieu thereof, a provision providing for an appropriation fund to pay salaries, compensation, and other expenses of said board; repealing all laws in conflict with this Act; and declaring an emergency."

To Committee on State Affairs.

By Senator Brownlee:

S. B. No. 108, A bill to be entitled "An Act exempting from all city, county, and State ad valorem and occupation taxes, office or headquarters buildings, and lots purchased for the erection of office or headquarters buildings, in the State of Texas, property owned by the Delta Kappa Gamma Society; providing a saving clause; and declaring an emergency."

To Committee on State Affairs:

By Senator Graves:

S. B. No. 109, A bill to be entitled "An Act providing a method of issuing and registering; for payment public school warrants drawn on all school funds; providing for the payment of such warrants to draw five (5%) per cent interest, ninety days from date of presentation for payment

if not paid; providing that obligations incurred prior to the effective date of this Act are not precluded; providing a penalty; providing a saving clause; and declaring an emergency."

To Committee on Education.

Consideration of Senate Bill 104

Senator Hill moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of S. B. No. 104 at any time during the remainder of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten

Spears

Consideration of Senate Bill 105

Senator Moore moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of S. B. No. 105 at any time during the remainder of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Metcalfe
Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Hill	Smith
Isbell	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Vick

Weinert
Winfield

York

Absent—Excused

Cotten

Spears

Report of Standing Committee

Senator Ramsey, by unanimous consent, submitted at this time the following report:

Austin, Texas,
February 4, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 105, A bill to be entitled "An Act authorizing navigation districts heretofore or hereafter organized, containing municipalities of one hundred thousand (100,000) population or more, to lease any of their lands or facilities to the United States Government or to any agency thereof, or to any person, firm, or corporation whose activities are connected with, or contribute to, the construction, maintenance, operation, and development of the port and its facilities and of its waterways, or whose activities are connected with commerce and navigation, for any purpose expressly authorized by the statutes creating and empowering such districts, and, in addition thereto, for the manufacture or repair of vessels, or parts thereof, or for constructing and operating buildings, shipways, drydocks, piers, railways, office buildings; etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAMSEY, Chairman.

Senate Bill 105 on Second Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 105 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten

Spears

On motion of Senator Moore and by unanimous consent, Senate Rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 105 at this time.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 105 on Third Reading

The President then laid S. B. No. 105 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten

Spears

Message from the House

The President recognized the Assistant Reading Clerk of the House to present the following message:

Hall of the House of Representatives,
Austin, Texas,
February 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. C. R. No. 10, Relating to the prevention of importation into the United States any livestock or meat products from countries in which the foot and mouth disease is prevalent among livestock of such countries.

S. B. No. 75, A bill to be entitled "An Act to validate the organization and creation of all Junior College Districts and Union Junior College Districts, created in any manner under the provision of the Acts of the Forty-first Legislature, 1929, page 648, Chapter 290, and under any amendments thereof; validating all proceedings and Acts of the County Boards of Education, all acts of the State Board of Education, and all acts of the Commissioners Courts of this State heretofore taken in creating or undertaking to create such Junior College Districts; validating all elections held for the creation of such Junior College Districts, the election of trustees thereof, and the voting of bonds therefor; validating all proceedings and acts of boards of trustees of such Junior College Districts heretofore taken; validating all bonds voted, authorized, or sold, or now outstanding of such Junior College Districts and all bonds heretofore voted, but not yet issued; providing for the election of a board of trustees for such Junior College Districts, and providing certain powers and duties of such trustees; providing for the fee to be charged such Junior College Districts by the County Tax Assessor and Collector when such officer shall be designated to assess and collect the taxes for such districts; repealing all laws in conflict herewith; providing a saving clause; providing this law shall not apply to any district or any bonds now in litigation; and declaring an emergency."

H. C. R. No. 10, Appointing a committee composed of three members of

the House and two members of the Senate to investigate and make report on the agricultural situation in the State of Texas in its relation to the general economic structure of the State and Nation.

H. C. R. No. 30, Authorizing the loan of certain Highway equipment.

H. C. R. No. 31, Providing for loan of certain Highway equipment to City of Rocksprings.

S. C. R. No. 4, Approving the action of the Texas Highway Commission in tendering its engineering facilities to the National Government and in preparing the plans and specifications for military access roads.

H. B. No. 4, A bill to be entitled "An Act repealing all local or special laws regulating the taking, possession, or sale of fur bearing animals in so far as they apply to Panola County, Texas; and declaring an emergency."

H. B. No. 108, A bill to be entitled "An Act amending S. B. No. 427 of the Forty-sixth Legislature and providing for the employment of part-time employees by the heads of departments, boards, or commissions of the State Government; and providing for the salaries of such part-time employees; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Reference of Resolutions

The following resolutions, received from the House today, were laid before the Senate, read severally, and referred to the committees indicated:

H. C. R. No. 10, to the Committee on Agriculture.

H. C. R. No. 30, to Committee on Public Buildings and Grounds.

H. C. R. No. 31, to Committee on Public Buildings and Grounds.

House Bills on First Reading

The following House bills, received from the House today, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 4, to Committee on Game and Fish.

H. B. No. 108, to Committee on State Institutions and Departments.

Consideration of Senate Bill 103

Senator Brownlee moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of S. B. No. 103, at any time during the remainder of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten Spears

Consideration of Senate Bill 97

Senator Mauritz moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of S. B. No. 97 at any time during the remainder of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten Spears

Senate Bill 101 on Second Reading

On motion of Senator Kelley and by unanimous consent, Senate Rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 101 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 101, A bill to be entitled "An Act amending H. B. No. 438, Regular Session, Forty-sixth Legislature, with reference to the employment of a stenographer or clerk by the county judge of certain counties so as to make the Act applicable in counties having a population of not more than seven thousand, eight hundred (7,800) and not less than seven thousand, seven hundred (7,700), and in counties of not more than thirteen thousand, two hundred ninety-nine (13,299) and not less than thirteen thousand, one hundred ninety-nine (13,199) inhabitants, according to the last preceding Federal Census; fixing salary of same; providing for payment of salary; providing for removal; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 101 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 101 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	York

Nays—1

Winfield

Absent—Excused

Cotten Spears

Senate Resolution 7

Senator Fain moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration of S. R. No. 7 at any time during the remainder of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten Spears

On motion of Senator Fain, and by unanimous consent, the regular order of business was suspended to take up, for consideration at this time, the following resolution:

(Senate Resolution 7)

Be It Resolved by the Senate of Texas:

Section 1. That the President of the Senate be, and he is hereby authorized to appoint a special committee to be composed of three members for the purpose of conducting an investigation of (1) the extent, character, and objects of un-American propaganda activities in the State of Texas, (2) the diffusion within the State of Texas of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid the Legislature in any necessary remedial legislation.

Sec. 2. That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours of meeting and adjourning. Session of said committee shall be open to the public, except at such times as the committee, by a majority vote, may determine to hold an executive session. The chairman of said committee shall be elected by a majority vote of the members of said committee and the committee shall appoint its own secretary and employees.

Sec. 3. That the committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and the production of all books and records, and upon disobedience of any subpoena the said committee shall have power to issue attachments which may be addressed to and served by either some person appointed by said committee or any sheriff or any constable of this State. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all powers necessary in order to accomplish the purpose for which it is appointed.

Sec. 4. Every person who, having been summoned as a witness by authority of said committee, or any subcommittee thereof, wilfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided in Senate Bill No. 359, passed

at the Regular Session of the Forty-fifth Legislature.

Sec. 5. The witnesses attending said committee under process shall be allowed the same mileage and per diem as is allowed witnesses in the trial of criminal cases in the District Court.

Sec. 6. Said committee may, within its discretion, turn over to the Federal Bureau of Investigation, to the Dies Committee, or to any other Federal Agency, any testimony or other information that it may deem of value to any or all of said agencies.

Sec. 7. That said committee may call upon the various departments of State Government for assistance and advice, and it shall be the duty of all such departments to give counsel and assistance to said committee upon request of the chairman or members of said committee.

Sec. 8. That said committee shall commence its investigations at the earliest practicable moment and shall submit a comprehensive report of its findings in writing to the Forty-eighth Legislature along with its recommendation for remedial legislation.

Sec. 10. That the compensation and expenses incident to the work of such committee herein provided for shall be paid out of the appropriation for mileage and per diem and contingent expenses of the Forty-seventh Legislature, upon sworn account of the persons entitled to such pay, when approved by the chairman of said committee, and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said Forty-seventh Legislature to meet the payment of such per diem and expenses of the members of said committee, witnesses, fees, compensation and other expenses incident to said investigation.

The resolution was read.

Senator Fain offered the following committee amendments to the resolution:

(1)

Amend Section 1 of S. R. No. 7 by striking out the words "three members" and inserting in lieu thereof the words "five members".

(2)

Amend Section 7 of S. R. No. 7 by adding thereto the following:

"That the Department of Public Safety shall furnish such informa-

tion and records as may be requested by the chairman of said committee, and shall supply such employees as may be required to aid and assist the committee in its work, and shall make available to said committee all of its facilities."

The amendments were severally adopted.

The resolution as amended then was adopted.

Message from the Governor

The President laid before the Senate and had read the following message from the Governor:

Austin, Texas,
February 4, 1941.

To the Members of the Forty-seventh Legislature:

I hereby submit to you for emergency consideration, the subjects contained in S. B. No. 13 by Senator W. E. Stone of Galveston, and H. B. No. 2 by Representatives Brown and Markle of Galveston, both bills being identical in language and in purpose.

For many years, Galveston has been one of the State's largest seaports, and the people of Texas as well as thousands of visitors from other states in the Union have been going to Galveston in constantly increasing numbers to enjoy the beaches and seek rest and diversion at the seashore.

The rapid increase in the population of Texas; together with the increasing number of out-of-state visitors, make it necessary for the people of Galveston to develop and make use of the resources of the city, and particularly its beachfront, in order to afford means of recreation and wholesome diversion and amusement for the city's visitors.

The present administration of the City of Galveston, supported by citizens in large numbers and from all walks of life, have conceived the idea of building a large pleasure pier extending from the shore out into the waters of the Gulf of Mexico for at least fourteen hundred (1400) feet, upon which will be located various things for the comfort and recreation of the people of Texas and its visitors. The city does not have available lands upon the shore upon which such a place can be established and maintained as suitably and as attractively as upon such a proposed pier extend-

ing over the waters of the Gulf of Mexico. It is the purpose of the citizens of Galveston to construct a steel and concrete pier about one hundred and twenty (120) feet in width, fourteen hundred (1400) feet in length and twenty-seven (27) feet above the water, excepting a fishing platform at the outer end of said pier which will be about seven (7) feet above the water. In addition to providing facilities which the many visitors to the city can use for fishing, it is the plan of the citizens of Galveston to construct on said pier a moving picture theatre, a convention hall, an aquarium, an arena for aquatic sports and exhibitions, comfortable and attractive resting places, and many other means of recreation and diversion.

The estimated cost of this pier is \$1,400,000.00. The project has been submitted to the Reconstruction Finance Corporation for its consideration and approval and that governmental agency has agreed to lend \$1,100,000.00 upon bonds to be secured from the pier and to be payable only from its revenue. The voters of Galveston, by a large majority, have authorized the issuance of the city's bonds, payable from taxes, in the total amount of \$300,000.00 as the city's contribution to the cost of the construction of pier, and its maintenance. Although this pier will be used for the enjoyment of all the people of Texas, the State of Texas can never be called upon to contribute to the expense of the construction, maintenance or operation of said pier.

The bills which I referred to in paragraph one of this message are now submitted to you as an emergency matter for immediate consideration and merely grant to the City of Galveston the permission of the State of Texas to erect this pier over the tidelands and waters of the Gulf of Mexico. Unless this permission is granted, the city will not, under the decisions of our Supreme Court, have authority to erect this structure.

I wish to point out to the Members of the Legislature that the tidelands and the waters of the Gulf of Mexico over which the pier would be constructed and which would be used in connection with such construction, are not needed or suitable for commercial navigation. In view of the fact that the tidelands and the bed of the Gulf

of Mexico are not taxable, no loss in revenue to the State will occur by granting to the City of Galveston the permission to erect this structure.

Great increase in summer visitors to Galveston has brought about new problems in protecting their safety while enjoying bathing and other diversions upon the beaches, and particularly protection against the dangers which automobile traffic upon the beaches has brought about. In order to provide places of safety against such dangers and to afford improved facilities for persons seeking diversion on the beaches at Galveston, the City of Galveston is also asking the Legislature to give its governing body the power of management and control over the tidelands and waters of the Gulf of Mexico in front of property which the city has acquired for park purposes. The bills above referred to grant this right to the City of Galveston and limit the same strictly to the tidelands and the waters of the Gulf of Mexico immediately in front of the city's park property.

I believe this improvement at this great seashore city will attract thousands of visitors to our State, and I urge you to give prompt and careful attention and consideration to S. B. No. 13 and H. B. No. 2, and especially do I urge that every precaution be taken to protect our public school interests by making sure that only surface rights to state lands are to be leased and that all mineral rights are to be securely retained by the State.

Respectfully submitted,

W. LEE O'DANIEL,
Governor of Texas.

Signing of Resolutions

The President signed in the presence of the Senate, after their captions had been read, the following enrolled resolutions:

S. C. R. No. 9, Authorizing the lending by the State Highway Department of guard wire to schools of Jackson and other counties.

S. C. R. No. 10, Relating to importation of livestock and meat products from countries where foot and mouth disease is prevalent.

Message from the House

The Assistant Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
February 4, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 105, A bill to be entitled "An Act authorizing certain municipalities to lease their land or facilities to the United States Government."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Report of Standing Committee

Senator Martin, by unanimous consent, submitted at this time the following report:

Austin, Texas,
February 4, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 134, A bill to be entitled "An Act providing for the granting and issuance of easements or surface leases to the United States of America by the School Land Board on any island, salt water lake, bay, inlet, or marsh within tidewater limits, and that portion of the Gulf of Mexico within the jurisdiction of the State of Texas, for any purpose essential for the national defense; providing for hearings by interested parties; providing for termination of lease when area no longer used for purpose herein granted; . . . etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOFFETT, Vice Chairman.

House Bill 134 on Second Reading

The President laid before the Senate, on its second reading and passage to third reading (the bill being substantially the same as S. B. No. 50):

H. B. No. 134, A bill to be entitled "An Act providing for the granting

and issuance of easements or surface leases to the United States of America by the School Land Board on any island, salt water lake, bay, inlet, or marsh within tidewater limits, and that portion of the Gulf of Mexico within the jurisdiction of the State of Texas, for any purpose essential for the national defense; retaining for the State of Texas all oil and gas and other mineral rights in and under such areas; providing that the consideration to be paid the State therefor shall be agreed upon by the School Land Board and the United States of America; subordinating all existing grass leases to such easements or surface leases; providing for the suspension of the primary and principal terms and rental obligations of existing oil and gas leases affected hereby for the duration of such easements or surface leases upon the filing of the subordination agreements by holders of such oil and gas leases; providing for notice to such oil and gas lessees of the termination of such easements or surface leases; excluding from the terms hereof all areas where oil, gas or other mineral production exists; and declaring an emergency."

The bill was read second time.

Senator Mauritz offered the following amendment to the bill:

Amend H. B. No. 134 by striking out all of Section 4 and substituting therefor the following:

"Section 4. All leases for grazing purposes heretofore issued by the Commissioner of the General Land Office which are covered or partially covered by any easement or surface lease granted hereunder are hereby made subordinate to such easement or surface lease. If the lessee under any existing oil and gas lease heretofore granted by the State on any area affected by an easement or surface lease granted hereunder, shall file or cause to be filed in the General Land Office an agreement, subordinating to the easement or surface lease granted hereunder all rights held by such lessee under such oil and gas lease, then and in that event the running of both the primary and principal terms of such lease shall be suspended during the existence of such easement or lease, provided, however, that lessee continues the annual rental payments stipulated in the lease during

such suspended period. Such oil and gas lease shall remain in status quo, and all obligations, duties, rights and privileges existing under such lease shall be inoperative and of no force and effect until the expiration of said easement or surface lease, at which time said oil and gas lease shall again become operative and all of the obligations, duties, rights and privileges, including the payment of rentals under same, shall again attach and be in force as they were on the date of the suspension and continue for the unexpired term of such lease. The School Land Board shall give notice immediately to such lessees that their leases are again in force when said easement or surface lease has terminated, provided, however, that the annual rental payments have been met.

**MAURITZ,
LANNING.**

The amendment was adopted.

Senator Mauritz offered the following amendment to the bill:

Amend H. B. No. 134 by striking out the words "and instructed" in Section 1.

The amendment was adopted.

Postponement of Meeting of Committee of the Whole Senate

At 11:00 o'clock a. m., the President announced the time for holding a meeting of the Committee of the Whole Senate, pursuant to S. R. No. 19, had arrived.

On motion of Senator Moffett, and by unanimous consent, it was agreed to hold the meeting at 11:15 o'clock a. m. today.

The Senate resumed consideration of H. B. No. 134.

On motion of Senator Martin, and by unanimous consent, the caption of H. B. No. 134 was ordered amended to conform to the body of the bill as amended.

The bill then was passed to third reading.

House Bill 134 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 134 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Moffett
Brownlee	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

Nays—7

Beck	Lovelady
Chadick	Stone
Hill	Vick
Isbell	

Absent

Kelley

Absent—Excused

Cotten

Spears

Meeting of Committee of the Whole Senate

At 11:15 o'clock a. m., the President announced the arrival of the hour for the meeting of the Committee of the Whole Senate pursuant to S. R. No. 19, and appointed Senator Weinert as Chairman of the meeting.

Chairman Weinert called the committee to order, and directed the Sec-

retary of the Senate to call the roll of the membership of the Senate.

The roll was called, and the following Senators were present at the meeting:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten Spears

The meeting of the Committee of the Whole Senate was concluded at 3:20 o'clock p. m., and the committee rose and reported progress.

In the Senate

The President called the Senate to order, as in legislative session, at 3:21 o'clock p. m.

Report of Standing Committee

Senator Winfield, by unanimous consent, submitted at this time the following report:

Austin, Texas,
February 4, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Banks and Banking, to whom was referred

S. B. No. 97, A bill to be entitled "An Act amending Section 9 of Article IV of Chapter 495 of the Acts of the Third Called Session of the Forty-fourth Legislature, as amended by S. B. No. 24, Chapter V, Acts of the Forty-sixth Legislature, so as to exempt instruments, notes, or other obligations taken by or on behalf of State Banking Corporations; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed.

WINFIELD, Chairman.

Bills and Resolution Signed

The President signed in the presence of the Senate the following enrolled bills and resolution:

S. B. No. 75, A bill to be entitled "An Act to validate the organization and creation of all Junior College Districts and Union Junior College Districts, created in any manner under the provision of the Acts of the Forty-first Legislature, 1929, page 648, Chapter 290, and under any amendments thereof; validating all proceedings and acts of the County Boards of Education, all acts of the State Board of Education, and all acts of the Commissioners Courts of this State heretofore taken in creating or undertaking to create such Junior College Districts; validating all elections held for the creation of such Junior College Districts, the election of trustees thereof, and the voting of bonds therefor; validating all proceedings and acts of boards of trustees of such Junior College Districts heretofore taken; validating all bonds voted, authorized, or sold, or now outstanding of such Junior College Districts and all bonds heretofore voted, but not yet issued; providing for the election of a board of trustees for such Junior College Districts, and providing certain powers and duties of such trustees; providing for the fee to be charged such Junior College Districts by the County Tax Assessor and Collector when such officer shall be designated to assess and collect the taxes for such districts; repealing all laws in conflict herewith; providing a saving clause; providing this law shall not apply to any district or any bonds now in litigation; and declaring an emergency."

S. C. R. No. 4, Relative to appropriations for military roads from emergency national defense funds.

S. B. No. 105, A bill to be entitled "An Act authorizing navigation districts heretofore or hereafter organized, containing municipalities of one hundred thousand (100,000) population or more, to lease any of their lands or facilities to the United States Government or to any agency thereof, or to any person, firm, or corporation whose activities are connected with, or contribute to, the construction, maintenance, operation, and development of the port and its facilities and of its waterways, or whose activities are connected with commerce and

navigation, for any purpose expressly authorized by the statutes creating and empowering such districts, and, in addition thereto, for the manufacture or repair of vessels, or parts thereof, or for constructing and operating buildings, shipways, drydocks, piers, railways, office buildings, shops, or other facilities and structures thereon, for the use or benefit of the United States Government, or of such person, firm, or corporation, and for similar purposes connected with the development and operation of ports; that the terms and conditions of such lease may be agreed upon between the Navigation Commissioners and the lessees; that such lease shall be executed by the chairman or vice-chairman of such navigation district and attested by its secretary or assistant-secretary; and where such a lease is for ten years or less and is with the United States Government or any agency thereof, or with any person, firm, or corporation contracting with the United States Government, or any agency thereof, or with any person, firm, or corporation whose activities are connected with, or contribute to, the construction, maintenance, operation, and development of the port and its facilities and of its waterways, or whose activities are connected with commerce and navigation, advertising of the said lease shall not be required; providing that unconstitutionality of any part of the law shall not invalidate the remainder; providing that all laws or parts of laws in conflict herewith are repealed; and that this Act is not a limitation upon, but is a grant of additional powers to such navigation districts; and declaring an emergency."

Appointment Announced

The President announced the appointment of Senator Weinert to act as presiding officer of the Senate tomorrow in case both the President and President Pro Tempore are absent, and he also appointed Senator Weinert to serve as Chairman of the meeting of the Committee of the Whole Senate to be held tomorrow in case the President Pro Tempore is absent.

Adjournment

On motion of Senator Martin, the Senate at 3:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

FOURTEENTH DAY

(Wednesday, February 5, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Cotten.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Moore

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with, and the Journal was approved.

Leave of Absence Granted

Senator Moore was granted leave of absence for today on account of important business, on motion of Senator Van Zandt.

Report of Standing Committee

Senator Weinert submitted the following report:

Austin, Texas,
February 4, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 92, A bill to be entitled "An Act vesting the Supreme Court with the power to make amendments or changes in the rules of practice and procedure in civil actions prior to July 1, 1941, such changes to be effective September 1, 1941; providing for notice of any such amendment or